

REMARKS/ARGUMENTS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

Claims 1-4 were rejected under 35 USC 103(a) as being unpatentable over Sugiura et al in view of Ito et al. Claims 5-7 were also rejected under 35 USC 103(a) as being unpatentable over Sugiura in view of Ito. Further, claims 10-12 were rejected under 35 USC 103(a) as being unpatentable over Sugiura in view of Ito. Applicant respectfully traverses these rejections.

Claims 1, 5 and 10 have been amended and new claims 16-21 have been added. Claims 1, 5 and 10 have each been amended to recite more specifically that the lubricant is selected from "the group consisting of erucic amide, ethylene-bis-oleic amide and an alkylene oxide derivative". Support for the foregoing feature may be found, for example, on page 14 at lines 8-15 of Applicants' specification. Support for new claims 16-21 can be found, for example, at page 15, lines 1-12 of Applicants' specification.

As noted above, claim 1 is directed to a graft copolymer composition to be blended with an olefin thermoplastic resin, which is susceptible to scratching and abrasion when molded. As amended, claim 1 recites, *inter alia*, the feature that the lubricant is "selected from the group consisting of erucic amide, ethylene-bis-oleic amide and an alkylene oxide derivative, for improving scratching resistance and abrasion resistance of the olefin thermoplastic resin". Thus, the function of the lubricant in the graft copolymer composition is to improve the scratching resistance and abrasion resistance of the olefin thermoplastic resin.

The Examiner recognizes that Sugiura does not teach that his graft copolymer comprises a lubricant. Therefore, the noted feature of claim 1, namely, "a lubricant selected from the group consisting of erucic amide, ethylene-bis-oleic amide and an

alkylene oxide derivative, for improving scratching resistance and abrasion resistance of the olefin thermoplastic resin”, distinguishes the claimed invention from Sugiura et al.

The Examiner relies upon Ito in seeking to overcome the deficiencies of Sugiura with respect to the invention claimed. In this regard, the Examiner states that:

Ito et al teaches graft copolymers comprising fatty acid flowability improving agents (lubricants) in an amount from 0.1-99.9wt.% (Abs). Suitable fatty acids are fatty acids, fatty acid esters, and fatty acid amides (§0038).

Ito does not, however, teach a graft copolymer composition to be blended with an olefin thermoplastic resin, much less a graft copolymer composition comprising a lubricant selected from the group specifically claimed by Applicant for improving scratching resistance and abrasion resistance of the olefin thermoplastic resin. More specifically, Ito simply teaches graft copolymers comprising fatty acid flowability improving agents. Ito does not teach or suggest the specific lubricant group recited by Applicant and does not teach or suggest that such a lubricant has utility for improving scratching resistance and abrasion resistance of an olefin thermoplastic resin. Thus, the particular lubricant selected in accordance with the claimed invention and its utility as claimed in accordance with the present invention is a distinction over Ito et al.

In addition, neither Sugiura nor Ito teaches mixing a lubricant with an olefin thermoplastic resin. More specifically, Sugiura discloses mixing a graft copolymer with an olefin thermoplastic resin. However, Sugiura does not disclose mixing a lubricant with an olefin thermoplastic resin. Ito discloses mixing a fatty acid with a graft copolymer. However, Ito does not disclose mixing his graft copolymer with an olefin thermoplastic resin. Rather, Ito discloses mixing his graft copolymer with resins such as engineering plastics, not an olefin thermoplastic resin. See paragraph 0007 of Ito. Accordingly, in the absence of Applicants’ disclosure, the skilled artisan would not be taught that a graft copolymer composition comprising a lubricant, much less the specific

lubricant group claimed by Applicant, should be blended with an olefin thermoplastic resin. Moreover, neither Sugiura nor Ito would have taught the skilled artisan that a graft copolymer composition comprising one of the lubricants specifically claimed by Applicant, blended with an olefin thermoplastic resin, as claimed, would improve scratching resistance and abrasion resistance of the olefin thermoplastic resin. Thus, in the absence of Applicants' disclosure, the skilled artisan would not be taught by Ito that his graft copolymer should comprise the specific lubricants claimed by Applicant, or that that graft copolymer should be blended with an olefin thermoplastic resin, or that an olefin thermoplastic resin blended with a graft copolymer composition containing a lubricant as claimed would have improved scratching resistance and abrasion resistance.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination teaches or suggests each and every element of the claimed invention. In view of the distinction of claim 1 noted above, at least one claimed element is not present in the asserted combination of references. Hence the Examiner fails to establish a *prima facie* case of obviousness vis-à-vis claim 1. Claims 2 to 4 ultimately depend from claim 1, and so at least similarly distinguish over the asserted combination of references.

Claims 5 and 10 each recite the above-discussed feature of claim 1, "a lubricant selected from the group consisting of erucic amide, ethylene-bis-oleic amide and an alkylene oxide derivative, for improving scratching resistance and abrasion resistance of the olefin thermoplastic resin." Therefore, claims 5 to 7 and 10 to 12 are submitted to be patentable over Sugiura and Ito for the same reasons advanced above with respect to claim 1.

For all the reasons advanced above, reconsideration and withdrawal of the Examiner's rejection over Sugiura and Ito is solicited.

SUGIURA

Appl. No. 10/534,876

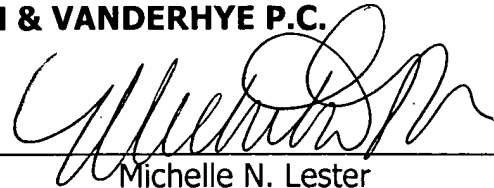
March 23, 2009

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



Michelle N. Lester

Reg. No. 32,331

MNL:slj

901 North Glebe Road, 11th Floor

Arlington, VA 22203-1808

Telephone: (703) 816-4000

Facsimile: (703) 816-4100